

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN J. MURPHY,

Plaintiff,

v.

RADNOR TOWNSHIP,

Defendant.

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CIVIL ACTION

NO. 11-4743

ORDER

AND NOW, this __27th__ day of May, 2015, upon consideration of Plaintiff's Motion to Appeal Clerk's Taxation of Costs Pursuant to Fed. R. Civ. P. 54(d)(1) (Doc. 86), **IT IS HEREBY ORDERED AND DECREED** that Plaintiff's Motion is **GRANTED**.¹

IT IS FURTHER ORDERED that the Clerk's Taxation of Costs (Doc. 84) is **STRICKEN** and Judgment entered against the Plaintiff dated May 5, 2015 (Doc. 85) is **REVERSED**.

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, C. J.

¹ Plaintiff's claim arises under the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), 38 U.S.C. §§ 4301-4335. USERRA provides, "No fees or court costs may be charged or taxed against any person claiming rights under this chapter." *Id.* § 4323(h)(1). This applies regardless of whether a USERRA claimant prevailed. *See id.* § 4323(h) (preventing all claimants from being charged or taxed court costs, but allowing only prevailing claimants to recover attorney fees, expert witness fees, and other litigation expenses). Accordingly, Plaintiff is exempt from the general rule that costs are allowed to the prevailing party. *See* Fed. R. Civ. P. 54(d)(1).